

REMARKS

As a preliminary matter, the Office Action summary of the outstanding Action under item 11 indicates that the Declaration is objected to by the Examiner. However, no formal objection is provided in the outstanding Action. Accordingly, Applicant believes that the Declaration is acceptable unless otherwise indicated by the Examiner.

Claims 1-8, 10 and 12-17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Sweeny (U.S. Patent No. 1,559,804). Applicant respectfully traverses the rejection because the cited references fail to disclose or suggest the mechanism configured for fixing the vacuum pump so as not to shrink the flexible pipe at the time of evacuation.

On page 3, under item 4 of the outstanding Office Action, the Examiner admits that the AAPA does not teach a mechanism, specifically, a coupling bar attached to the vacuum pumps near the flexible pipe and the floor panel to reduce the shrinking of the flexible pipe. However, the Examiner asserts Sweeny teaches this feature.

Sweeny is directed to an air induction cleaning apparatus. The vertical rod 24 of Sweeny, which corresponds to the coupling member of the present application, merely holds the air hose 16, which corresponds to the flexible pipe of the present application. Thus, the vertical rod 24 holds the air hose 16 such that the air hose 16 faces in a downward direction in Sweeny, and the vertical rod 24 does not fix the air hose 16 (see Sweeny FIG. 1 and the related description on pg. 2, lns. 73-115). Accordingly, one

skilled in the art would not conceive from the vertical rod 24 of Sweeny a mechanism configured for fixing the vacuum pump so as not to shrink the flexible pipe at the time of evacuation as described in the claims of the present application. For this reason, withdrawal of the §103(a) rejection is respectfully requested.

Claims 9 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA and Sweeny, and further in view of Elliotte (U.S. Patent No. 2,663,894). In response, Applicant traverses the rejection for the reasons recited above with respect to the rejection of claim 1.

Since claims 9 and 11 ultimately depend upon claim 1, they necessarily include all the features of their associated independent claim plus other additional features. Thus, Applicant submits that the §103(a) rejection of claims 9 and 11 has also been overcome for the same reasons mentioned above to overcome the rejection of independent claim 1, and also because Elliotte fails to overcome the deficiencies of Sweeny.

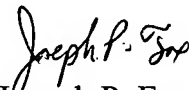
Elliotte is silent regarding shrinkage of a flexible pipe at the time of evacuation. Elliotte has chains 106 for preventing extension of the flexible pipe, but the chains 106 do not prevent shrinkage of the flexible pipe 59 (see FIG. 1 of Elliotte). Therefore, any combination of Elliotte with the other cited references fails to overcome the deficiencies of AAPA and Sweeny. For these reasons, withdrawal of the §103(a) rejection is respectfully requested.

New claims 20-21 are added, and are believed to be allowable at least for the reasons recited above with respect to the rejection of independent claim 1. Applicant earnestly solicits consideration of allowance of new claims 20-21.

For all of the foregoing reasons, Applicant submits that this Application is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

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